

IN RE PETITIONS FOR SPECIAL EXCEPTION AND ZONING VARIANCE - NW/8 Pulaski Highway, 65' SW of the c/l of Chesaco Avenue (7950 Pulaski Highway) 15th Election District 5th Councilmanic District

BEFORE THE DEPUTY ZONING COMMISSIONER OF BALTIMORE COUNTY

Case No. 93-45-XA

Salvo Realty, Inc. Petitioner

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as Petitions for Special Exception and Zoning Variance filed by the legal owner of the subject property, Salvo Realty, Inc., by Gary S. Salvo, and the Contract Lessee, Cloverland Farms Dairy, Inc., by and through their attorney, Nathan Patz, Esquire. The Petitioner requests a special exception for an automotive service station use in combination with a food store on the subject property, and variances from the Baltimore County Zoning Regulations (B.C.Z.R.) as follows: From Section 405.2.B5 to permit access to a collector street and to permit a distance of 175 feet to a church site in lieu of the minimum required 300 feet; from Section 405.4.A1 to permit a total site area of 21,484 sq.ft. in lieu of the minimum required 25,164 sq.ft.; from Section 238.2 to permit a rear yard setback of 6 feet in lieu of the minimum required 30 feet; from Section 413.2f to permit a sign with a total area of 174 sq.ft. in lieu of the maximum permitted 100 sq.ft.; from Section 303.2 to permit a front yard depth of 44 feet in lieu of the minimum required front yard average of 50 feet; and to amend the previously approved site plan in Case No. 84-45-A accordingly, as more particularly described on Petitioner's Exhibit 2.

Appearing on behalf of the Petitions were Nathan Patz, Esquire, attorney for Petitioner, and Charles K. Stark, Registered Land Surveyor. There were no Protenants.

Testimony indicated that the subject property, known as 7950 Pulaski Highway, consists of 0.493 acres, more or less, zoned B.R.-C.S.1, and is improved with a one-story brick building. The Petitioner is desirous of establishing a Royal Farms Store with accessory gasoline sales on the subject site. Testimony indicated that due to the location of the property and site constraints, the requested variances are necessary. The Petitioner testified that the use proposed meets the special exception requirements of Section 502.1 of the B.C.Z.R. and will not result in any detriment to the health, safety or general welfare of the surrounding community. Testimony indicated that the developer has worked closely with area community groups and Baltimore County in an effort to address all of the concerns raised. Further testimony indicated that the proposed project has the support of the Greater Rosedale Community Council, Inc., as evidenced by their letter dated July 23, 1992 to Ms. Jackie McMillan of the Office of Planning and Zoning, marked Petitioner's Exhibit 1.

It is clear that the B.C.Z.R. permits the use proposed in a B.R.-C.S.1 zone by special exception. It is equally clear that the proposed use would not be detrimental to the primary uses in the vicinity. Therefore, it must be determined if the conditions as delineated in Section 502.1 are satisfied.

The Petitioner has the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1 of the B.C.Z.R. The Petitioner has shown that the proposed use would be conducted without real detriment

to the neighborhood and would not adversely affect the public interest. The facts and circumstances do not show that the proposed use at the particular location described by Petitioner's Exhibit 1 would have any adverse impact above and beyond that inherently associated with such a special exception use, irrespective of its location within the zone. Schultz v. Pritts, 432 A.2d 1319 (1981).

The proposed use will not be detrimental to the health, safety, or general welfare of the locality, nor tend to create congestion in roads, streets, or alleys therein, nor be inconsistent with the purposes of the property's zoning classification, nor in any other way be inconsistent with the spirit and intent of the B.C.Z.R.

After reviewing all of the testimony and evidence presented, it appears that the special exception should be granted with certain restrictions as more fully described below.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance is granted, such use, as proposed, will not be contrary to the spirit of the B.C.Z.R. and will not result in any injury to the public good.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of this variance request and that the requirements from which the petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not cause any injury to the public health, safety or general welfare. Further, the granting of the petitioner's request is in strict harmony with the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the special exception and variances should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 13th day of October, 1992 that the Petition for Special Exception to permit an automotive service station use in combination with a food store on the subject property, in accordance with Petitioner's Exhibit 2, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Zoning Variance requesting relief from the Baltimore County Zoning Regulations (B.C.Z.R.) as follows: From Section 405.2.B5 to permit access to a collector street and to permit a distance of 175 feet to a church site in lieu of the minimum required 300 feet; from Section 405.4.A1 to permit a total site area

of 21,184 sq.ft. in lieu of the minimum required 25,164 sq.ft.; from Section 238.2 to permit a rear yard setback of 6 feet in lieu of the minimum required 30 feet; from Section 413.2f to permit a sign with a total area of 174 sq.ft. in lieu of the maximum permitted 100 sq.ft.; from Section 303.2 to permit a front yard depth of 44 feet in lieu of the minimum required front yard average of 50 feet; and to amend the previously approved site plan in Case No. 84-45-A accordingly, in accordance with Petitioner's Exhibit 2, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

Timothy M. Kotrocco
TIMOTHY M. KOTROCCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



October 15, 1992

(410) 887-4386

Nathan Patz, Esquire
10 Light Street, Suite 2110
Baltimore, Maryland 21202

RE: PETITIONS FOR SPECIAL EXCEPTION AND ZONING VARIANCE
NW/8 Pulaski Highway, 65' SW of the c/l of Chesaco Avenue
(7950 Pulaski Highway)
15th Election District - 7th Councilmanic District
Salvo Realty, Inc. - Petitioner
Case No. 93-45-XA

Dear Mr. Patz:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Exception and Zoning Variance have been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3351.

Very truly yours,

Timothy M. Kotrocco
TIMOTHY M. KOTROCCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: People's Counsel
file

Mr. John M. Kemp
Cloverland Farms Dairy, Inc.
2200 North Monroe Street, Baltimore, Md. 21217

Petition for Special Exception to the Zoning Commissioner of Baltimore County

for the property located at 7950 Pulaski Highway which is presently zoned BR-CS-1

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for:
Under Section 405.2B5 to permit an automotive service station.
Under Section 405.4D8 to permit a use in combination with a food store.

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Current Petitioner/Lessee:
Cloverland Farms Dairy, Inc.
(Type or Print Name)
John M. Kemp V.P.
Address: 2100 North Monroe Street
City: Baltimore, Maryland State: 21217
Date: 11/5/92
City: Date: Zoncode:
Legal Owner(s):
Salvo Realty, Inc.
(Type or Print Name)
Gary S. Salvo
Address: 11509 Pulaski Highway 335-3510
City: Baltimore, Maryland State: 21237
Date: 11/5/92
City: Date: Zoncode:
Attorney for Petitioner:
Nathan Patz
(Type or Print Name)
Nathan Patz
Address: 10 Light Street-Suite 2110 685-6666
City: Towson, Maryland State: 21204
Date: 11/5/92
City: Date: Zoncode:
Charles K. Stark
Name: GEORGE WILLIAM STEPHENS, JR. & ASSOCIATES,
658 Kenilworth Drive-Suite 100 825-8120
City: Towson, Maryland State: 21204
Date: 11/5/92
City: Date: Zoncode:
ESTIMATED LENGTH OF HEADERS:
Inches: 1 1/2 +
The following date: 11/5/92 Next Two Months
ALL OTHER DATE 11/5/92
REVIEWED BY: DATE 11/5/92

ORDER RECEIVED FOR FILING
Date 11/5/92
By

Petition for Variance to the Zoning Commissioner of Baltimore County

for the property located at 7950 Pulaski Highway which is presently zoned BR-CS-1

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 405.2B5 to permit an access to Chesaco Avenue (collector street), to permit a distance of 175 feet to a church site in lieu of the required 300 feet. To Section 405.4A1 to permit a total site area of 21484 S.F. in-lieu of the required 25164 S.F. To Section 238.2 to permit a rear yard of 6 feet (See attached sheet). To permit neighborhood traffic access to site from Chesaco Avenue. Characteristics of site necessitate setback variances. Dual use of site necessitates larger signage for advertising products.

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Current Petitioner/Lessee:
Cloverland Farms Dairy, Inc.
(Type or Print Name)
John M. Kemp V.P.
Address: 2100 North Monroe Street
City: Baltimore, Maryland State: 21217
Date: 11/5/92
City: Date: Zoncode:
Legal Owner(s):
Salvo Realty, Inc.
(Type or Print Name)
Gary S. Salvo
Address: 11509 Pulaski Highway 335-3510
City: Baltimore, Maryland State: 21237
Date: 11/5/92
City: Date: Zoncode:
Attorney for Petitioner:
Nathan Patz
(Type or Print Name)
Nathan Patz
Address: 10 Light Street-Suite 2110 685-6666
City: Towson, Maryland State: 21204
Date: 11/5/92
City: Date: Zoncode:
Charles K. Stark
Name: GEORGE WILLIAM STEPHENS, JR. & ASSOCIATES,
658 Kenilworth Drive-Suite 100 825-8120
City: Towson, Maryland State: 21204
Date: 11/5/92
City: Date: Zoncode:
ESTIMATED LENGTH OF HEADERS:
Inches: 1 1/2 +
The following date: 11/5/92 Next Two Months
ALL OTHER DATE 11/5/92
REVIEWED BY: DATE 11/5/92

ORDER RECEIVED FOR FILING
Date 11/5/92
By

ORDER RECEIVED FOR FILING
Date 11/5/92
By

ORDER RECEIVED FOR FILING
Date 11/5/92
By

ORDER RECEIVED FOR FILING
Date 11/5/92
By

In lieu of the required 30 feet and to amend a previously granted variance Case No. 84-45A, to Section 413.2F to permit a sign with a total area of 174 S.F. in lieu of the required 100 S.F. To Section 303.2 to permit a front yard depth of 44 feet in lieu of the average front yard depth of 50 feet and to amend a previously granted variance Case No. 84-45A.

93-45-XA

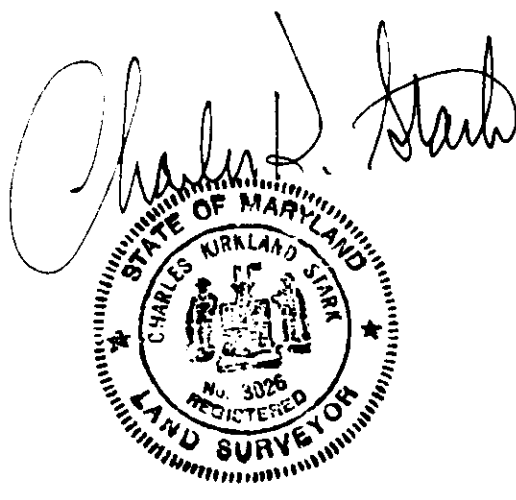
FROM THE OFFICE OF
GEORGE WILLIAM STEPHENS, JR. & ASSOCIATES, INC.
ENGINEERS
100 KENNEL CREEK DRIVE, SUITE 100, TOWSON, MARYLAND 21204

93-45-XA

Description to Accompany Petition for
Special Exception and Variance.

August 12, 1992

Beginning for the same at the intersection of the northeast right-of-way line of Pulaski Highway (Route 40) and the southwest right-of-way line of Chesaco Avenue 60 feet wide as shown on Baltimore County Right-of-Way Drawing Number 83-435-1 thence binding on the southwest right-of-way line of Chesaco Avenue as shown on said Plat the two following courses and distances
1 - North 5° 14' 03" East 46.32 feet and
2 - North 48° 00' 52" West 66.23 feet to intersect the last or northeasterly 250 foot line of that tract of land which by deed dated June 10, 1988 and recorded among the Land Records of Baltimore County in Liber S.M. 7890 folio 467 was conveyed by Lawrence B. Hartman and wife to Anthony Ratajczak and wife thence running reversely with and binding on part of said line
3 - South 53° 54' 48" West 232.63 feet thence
4 - South 36° 40' 40" East 80.78 feet to the said northwest right-of-way line of Pulaski Highway (Route 40) thence binding on the northwest right-of-way line of Pulaski Highway
5 - North 58° 54' 54" East 215.72 feet and
Containing 0.493 acres of land more or less.



#50

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 12-4 Date of Posting: 9/13/92
Posted for: Special Exception & Variance
Petitioner: Salvo Realty, Inc. & Associates, Inc.
Location of property: 111 West Chesapeake Avenue, Towson, MD 21204
Location of Sign: 111 West Chesapeake Avenue, Towson, MD 21204
Remarks:
Posted by: [Signature] Date of return: 9/17/92
Number of Signs: 2

CERTIFICATE OF PUBLICATION

TOWSON, MD., 9/14, 1992
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 9/13, 1992

THE JEFFERSONIAN,

S. Zafe Orlean
Publisher

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R0014180
Number: H9300050

8/12/92

	CITY	PRICE
OEO - ZONING VARIANCE (OTHER)	1 X	\$250.00
OEO - SPECIAL EXCEPTION	1 X	\$300.00
TOTAL:		\$550.00

LAST NAME OF OWNER: SALVO REALTY

04A04R0047MCHRC
BA C00413PM08-12-92
Please Make Checks Payable To: Baltimore County

Cashier Validation

Baltimore County
Zoning Administration &
Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R0016150
Number:

Hearings 10-1-92
93-45

	CITY	PRICE
OEO - ZONING VARIANCE (OTHER)	1 X	\$250.00
OEO - SPECIAL EXCEPTION	1 X	\$300.00
TOTAL:		\$550.00

LAST NAME OF OWNER: SALVO REALTY

04A04R0047MCHRC
BA C00413PM09-21-92
Please Make Checks Payable To: Baltimore County

Cashier Validation

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204

DATE: 9-16-92

Cloverland Farms Dairy, Inc.
2200 North Monroe Street
Baltimore, Maryland 21217

RE:
CASE NUMBER: 93-45-XA (Item 50)
M/S Pulaski Highway, 65' SM of c/l Chesaco Avenue
7950 Pulask Highway
15th Election District - 7th Councilmanic
Legal Owner(s): Salvo Realty, Inc.
Contract Purchaser(s): Cloverland Farms Dairy, Inc.
HEARING: THURSDAY, OCTOBER 1, 1992 at 11:00 a.m. in Rm. 118, Old Courthouse.

Dear Petitioner(s):

Please be advised that \$ 104.55 is due for advertising and posting of the above captioned property and hearing date.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please forward your check via return mail to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 109, Towson, Maryland 21204. Place the case number on the check and make same payable to Baltimore County, Maryland. In order to avoid delay of the issuance of proper credit and/or your Order, immediate attention to this matter is suggested.

ARNOLD JARLON
DIRECTOR

cc: Nathan Patz, Esq.

Printed on Recycled Paper

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

AUGUST 28, 1992

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 93-45-XA (Item 50)
M/S Pulaski Highway, 65' SM of c/l Chesaco Avenue
7950 Pulask Highway
15th Election District - 7th Councilmanic
Legal Owner(s): Salvo Realty, Inc.
Contract Purchaser(s): Cloverland Farms Dairy, Inc.
HEARING: THURSDAY, OCTOBER 1, 1992 at 11:00 a.m. in Rm. 118, Old Courthouse.

Special Exception to permit an automotive service station; and to permit an use-in-combination with a food store.

Variance to permit an access to Chesaco Avenue (collector street) to permit a distance of 175 feet to a church site in lieu of the required 300 ft.; to permit a total site area of 21464 sq. ft. in lieu of the required 25164 sq. ft.; to permit a rear yard of 6 ft. in lieu of the required 30 ft. and to amend a previously granted variance, case 84-45-A; to permit a sign with a total area of 174 sq. ft. in lieu of the required 100 sq. ft.; and to permit a front yard depth of 44 ft. in lieu of the average front yard depth of 50 ft. and to amend a previously granted variance, case 84-45-A.

Laurence E. Schaidt
Zoning Commissioner of
Baltimore County

cc: Salvo Realty, Inc.
Cloverland Farms Dairy, Inc.
Nathan Patz, Esq.
Charles E. Stark/George William Stephens, Jr. & Associates

NOTE: HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

11 West Chesapeake Avenue
Towson, MD 21204

September 24, 1992

(410) 887-3353

Nathan Patz, Esquire
10 Light Street
Baltimore, MD 21202

RE: Item No. 50, Case No. 93-45-XA
Petitioner: Salvo Realty, Inc., et al
Petition for Special Exception

Dear Mr. Patz:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

Your petition has been received and accepted for filing this 12th day of August, 1992

ARNOLD JARLON
DIRECTOR

Received By:
W. Carl Richards Jr.
Chairman,
Zoning Plans Advisory Committee

Petitioner: Salvo Realty, Inc., et al
Petitioner's Attorney: Nathan Patz

BALTIMORE COUNTY, MARYLAND
INTEROFFICE MEMORANDUM

TO: The Arnold Jarlon, Director, DATE: August 31, 1992
Zoning Administration and Development Management

FROM: Robert M. Bowling, P.E.

RE: Zoning Advisory Committee Meeting,
200 August 31, 1992
21st Room 10

The Development Engineering Division has reviewed the subject zoning item. A modification to the Landscape Manual is required to allow a setback instead of the required 10' along Pulask Highway, and a setback against the 15.65 property line instead of the required 10'.

Robert M. Bowling
Robert M. Bowling, P.E.
Development Engineering Division

BWB:OAK

RECEIVED
ZONING OFFICE

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration & Development Management

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

DATE: September 15, 1992

SUBJECT: Cloverland Farms/Salvo Realty

INFORMATION:

Item Number: 50

Petitioner: Cloverland Farms Dairy

Property Size: 0.49 acres

Zoning: BR-CS-1

Requested Action: Special Exception, Variance

Hearing Date: 10/1/92

SUMMARY OF RECOMMENDATIONS:

This petitioner is requesting a special exception to permit an automotive service station in combination with a food store. The petitioner is also requesting a variance to permit an access to Chesaco Avenue, to permit a distance of 175 feet to a church site in lieu of the required 300 feet and to permit a total site area of 21,484 sq. ft. in lieu of the required 25,164 sq. ft. They are also seeking to permit a rear yard of 6 feet in lieu of the required 30 feet and amend previously granted variance case #84-45A and to permit a front yard depth of 44 feet in lieu of the average front yard setback of 50 feet. Finally, they are requesting a variance to permit a sign with a total area of 174 sq. ft. in lieu of the required 100 square feet.

The Office of Planning and Zoning recommends **APPROVAL** of the petitioner's request with the following recommendations.

The developer has met with the community groups and addressed some of their concerns. That a wooded fence be constructed on top of the wall along the north side of the property but the fence should not obstruct the sign of the adjacent beauty salon the community requested.

Prepared by: *Pat Keller*

Division Chief: *Pat Keller*

PK/EMCD/PM:rdn

50.ZAC/ZAC1

BUREAU OF TRAFFIC ENGINEERING
DEPARTMENT OF PUBLIC WORKS
BALTIMORE COUNTY, MARYLAND

DATE: September 4, 1992

TO: Mr. Arnold Jablon, Director
Office of Zoning Administration
and Development Management

FROM: Rahee J. Kamili

SUBJECT: Z.A.C. Comments

Z.A.C. MEETING DATE: August 24, 1992

ITEM NUMBER: 50

- 1) Parking spaces No. 1 and No. 14 need to have some maneuvering area.
- 2) The proposed fuel islands and the stackings may cause some internal circulation problems.

Rahee J. Kamili
Rahee J. Kamili
Traffic Engineer II

RJF/lvd

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: Mr. Arnold Jablon, Director
Zoning Administration and
Development Management

DATE: September 11, 1992

FROM: J. Lawrence Pilson, *JLP/WR*
Development Coordinator, DEPRM

SUBJECT: Zoning Item #50
#7950 Pulaski Highway
Zoning Advisory Committee Meeting of August 24, 1992

The Department of Environmental Protection and Resource Management offers the following comments on the above referenced zoning item.

Water quality must be provided for the first one-half inch of runoff.

LP:sp

PULASKI/TXTSBP

Baltimore County Government
Fire Department

AUGUST 24, 1992

(410) 887-4500

700 East Joppa Road Suite 901
Towson, MD 21204-5500

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: SALVO REALTY, INC.

Location: #7950 PULASKI HIGHWAY

Item No.: +50 (MJK) Zoning Agenda: AUGUST 24, 1992

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy.

REVIEWER: *Pat Keller* Noted and
Planning Group Approved
Special Inspection Division Fire Prevention Bureau

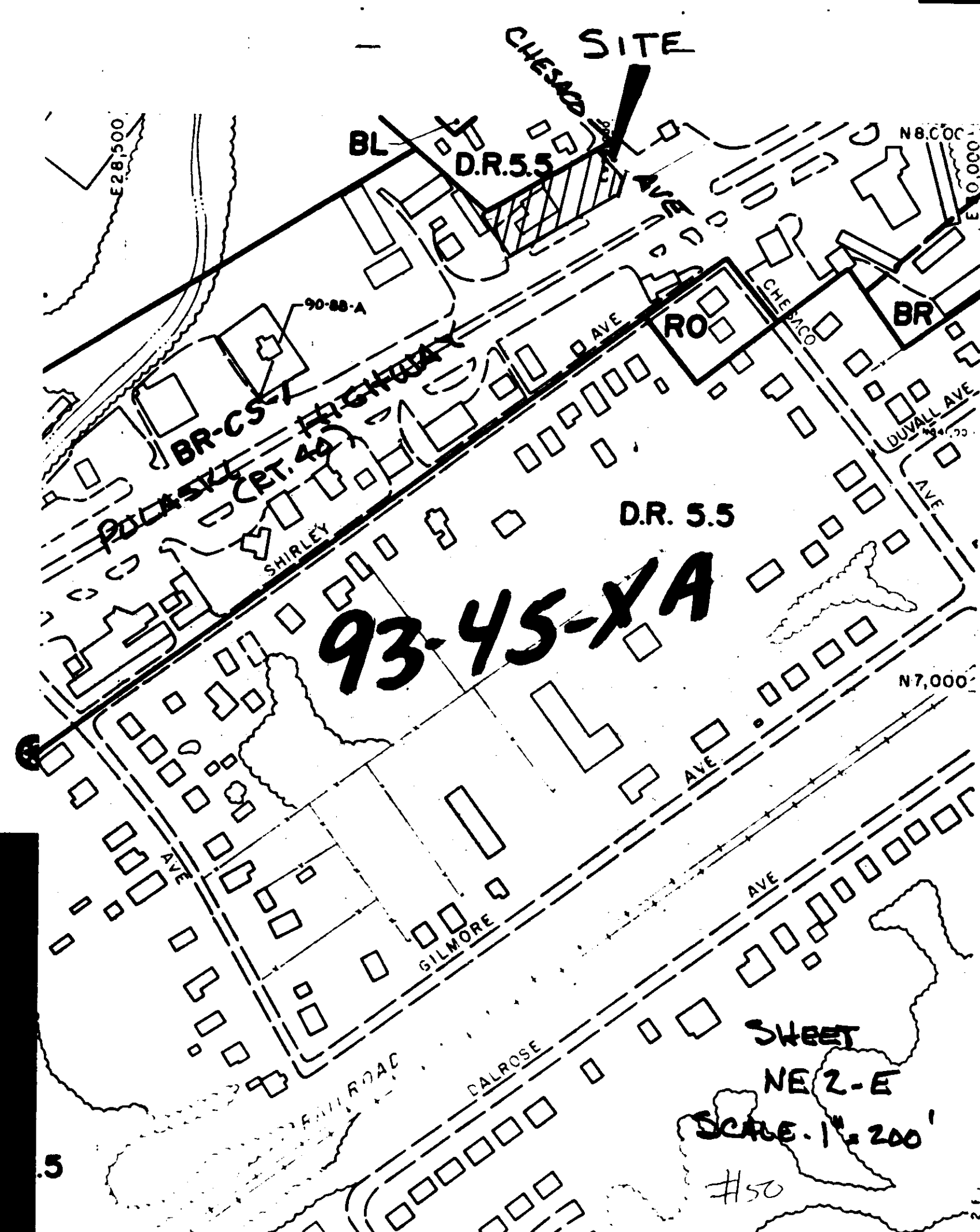
JP/KEK

Pat Keller
ZONING OFFICE

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
<i>Charles R. Smith</i>	<i>6415 Stephens</i>
<i>Pat Keller (PAT)</i>	<i>650 Kaulbach 21204</i>
<i>attn: to sign</i>	<i>to 6415 St 21204</i>



GREATER ROSEDALE COMMUNITY COUNCIL

Thurs Jul 23 92 11:45 PAGE 2/2

GREATER ROSEDALE COMMUNITY COUNCIL
Incorporated

8015 Edinboro Avenue, Rosedale, Maryland 21207

July 23, 1992

Mr. Jackie McMillan
Office of Planning and Zoning
County Courts Building
Suite 406
Towson, Maryland 21204

Dear Mr. McMillan:

At the July 20, 1992 meeting of the Greater Rosedale Community Council, the council concurred with the development of the property at the intersection of Pulaski Highway and Chesaco Avenue, by the Royal Farm Stores.

We appreciate the cooperation and courtesy extended by both you and the developer. The willingness of the developer to meet with representatives of our council and the neighbors living near the property, and to accept development suggestions is indeed appreciated.

We trust that this potential new neighbor will be welcomed into our fine community of Rosedale.

Sincerely,

Bill Burgess
Bill Burgess,
President

cc: Mr. John M. Kenap, Royal Farm Stores

Representing
22,400
People

Progress Through Cooperation
Community - Heritage - Education - Legislation - Science - Transportation - Zoning

GREATER ROSEDALE COMMUNITY COUNCIL

Thurs Jul 23 92 11:44 PAGE 1/2

DATE: JUL 23, 1992

TO: JOHN KEMP

FROM: BILL BURGESS, PRESIDENT
GREATER ROSEDALE COMMUNITY COUNCIL, INCORPORATED

FAX PHONE: 410-866-4549

PHONE PHONE: 410-866-4549

MESSAGE:

NOTES CONTINUED

7. DUMPSTER TO BE SCREENED WITH 3' HIGH
BOARD OR CHAIN FENCE AND TO HAVE ROLL-UP GATE
WITH SLATS IN FRONT.

PETITIONER'S EXHIBIT 2

LEGEND

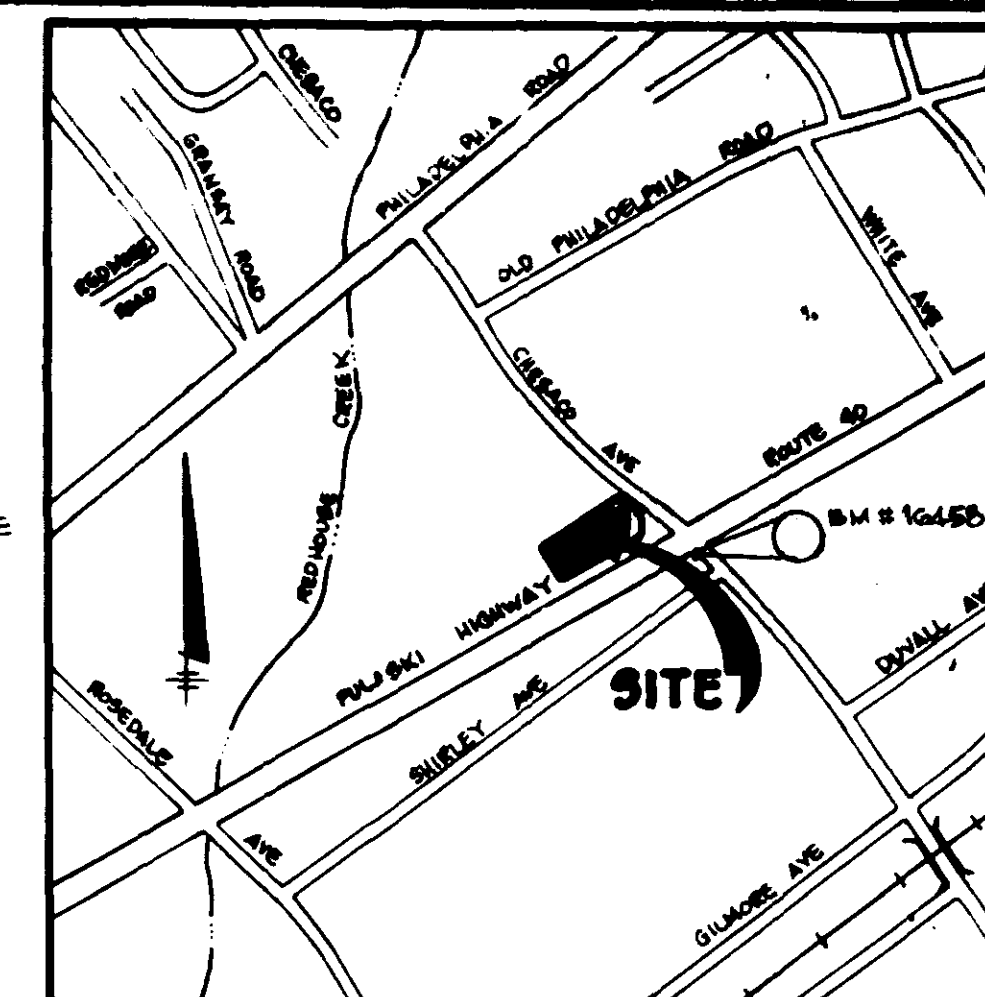
SITE BOUNDARY LINE
EX. CURB & GUTTER
PROP. CURB & GUTTER
PROP. LIGHT
DOUBLE LIGHT

SITE DATA

ZONE - BR-CB-1
AREA - 0.43 AC.
EXISTING USE - VACANT (FORMER BANK)
PROPOSED USE - ROYAL FARM STORE AND TWO FUEL ISLANDS
THREE (3) DISPENSERS CAPABLE OF SERVING
SIX (6) CARS AT ONE TIME.
TOTAL SERVING SPACES - 6 WITH 6 STACKING SPACES.
TOTAL AREA REQUIRED - 6 X 1500 = 9000 S.F.
(USE 15000 S.F. MIN.)
COMBINATION USES - FOOD STORE SALES
ROYAL FARM STORES
ADDITIONAL SQUARE FOOTAGE FACTOR - 4 X 2541 = 10164 S.F.
TOTAL AREA REQUIRED - 15000 + 10164 = 25164 S.F.
TOTAL AREA TRACT - 0.57 AC. = 22051 S.F.
PARKING REQUIRED - 1 SPACE FOR EVERY 220 SF OF
FLOOR SPACE
2541 ÷ 220 = 12 SPACES
PARKING PROVIDED - 14 SPACES INCLUDING 1 HANDICAP
TYPICAL SPACE - 9' X 18'
HANDICAP - 12' X 18'

GENERAL NOTES

1. PUBLIC SEWER AND WATER ARE EXISTING CONTRACTOR TO VERIFY LOCATION AND DEPTH.
2. CONTRACTOR TO VERIFY EXISTENCE OF ANY GAS LINES ON SITE CALL GAS UTILITY (800) 251-7777.
3. LANDSCAPE PLAN TO BE PROVIDED BY LANDSCAPE ARCHITECT.
4. LIGHTING TO BE ERRECTED SO AS NOT TO A. REFLECT INTO RESIDENTIAL AREA B. INTERFERE WITH TRAFFIC. C. EXCEED 115' IN HEIGHT.
5. NEW SIGNING TO BE MINIMUM OF 3" BITUMINOUS CONCRETE SURFACE COURSE ON A 7" INCH CURBED RUN BASE.
6. CONTRACTOR TO PROVIDE SPRAY-ON CRACK TOPPING ON PROPOSED EXTERIOR WALKWAYS.



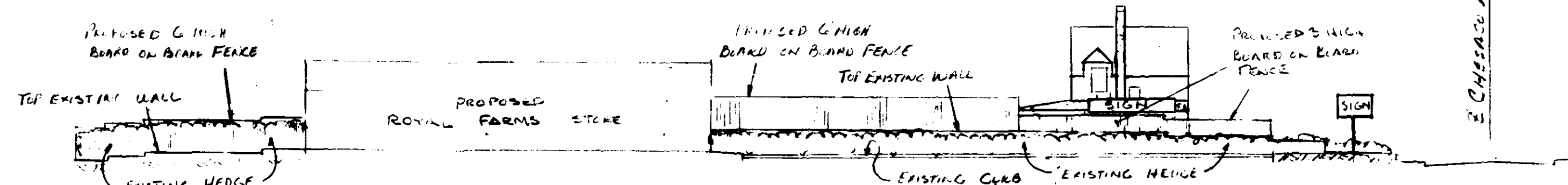
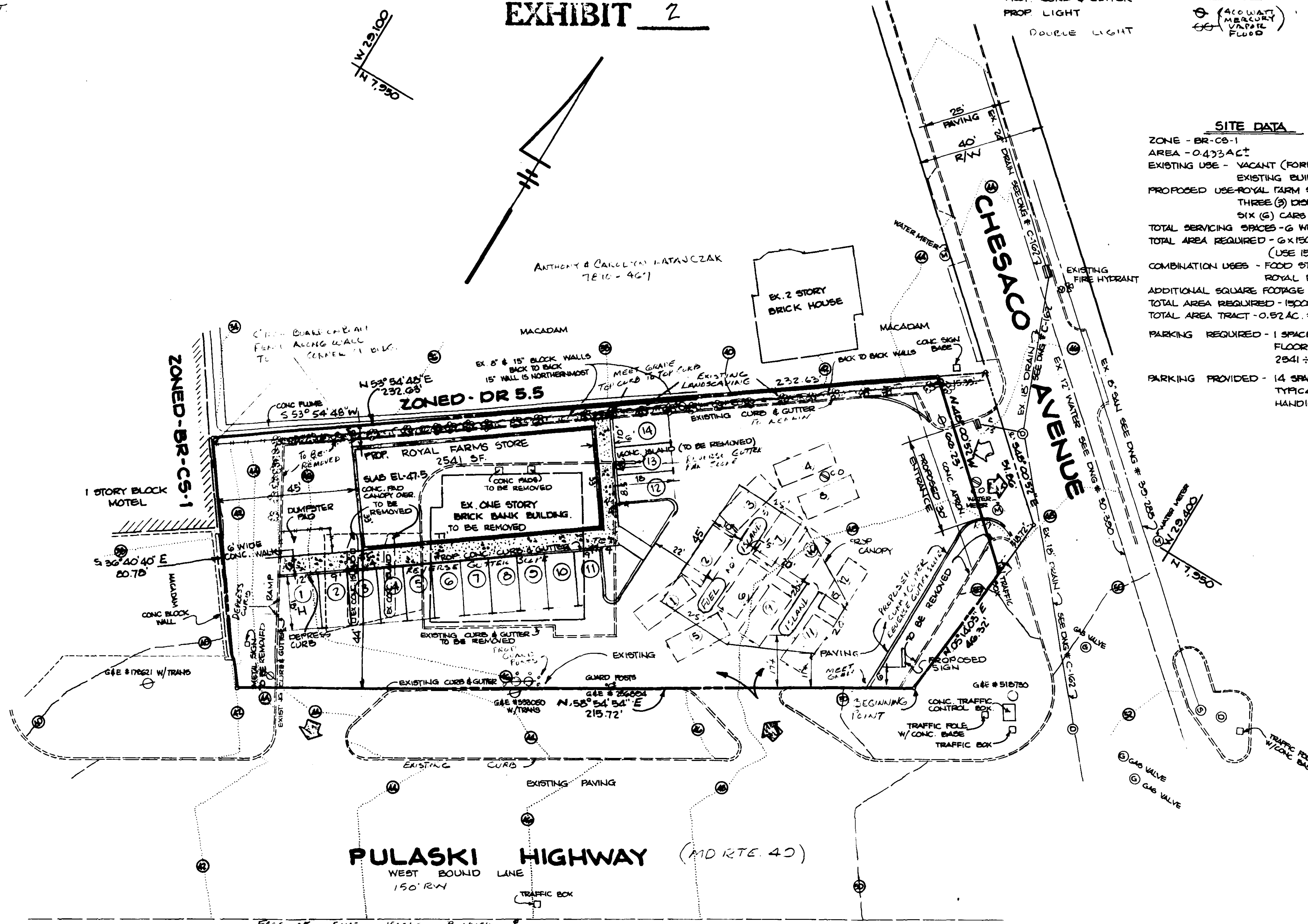
VICINITY MAP

SCALE 1"=500'

BENCH MARK NO. 16455 ELEVATION 55.735
DESCRIPTION
R.R. SPIKE IN PIPE IN GROUND - BACK OF CONC. CURB
- S.E. SIDE OF PULASKI HWY - S.W. SIDE OF CHESACO AVE.

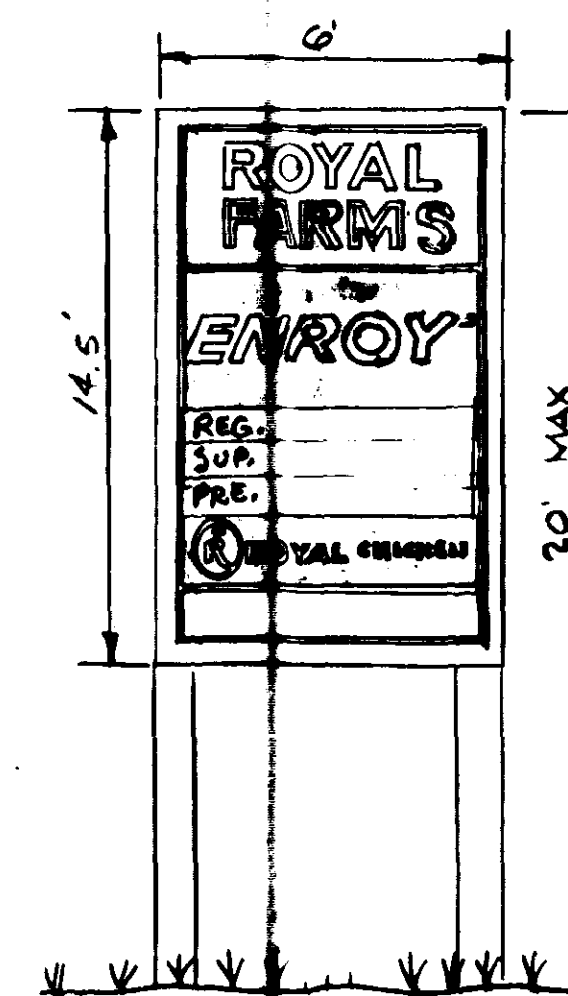
ZONING HEARING REQUESTS

1. SPECIAL EXCEPTION UNDER SECTION 405.2B.5 TO PERMIT AN AUTOMOTIVE SERVICE STATION.
2. USE IN COMBINATION UNDER SECTION 405.4D.0 TO PERMIT A USE IN COMBINATION WITH A FOOD STORE.
3. VARIANCE TO SECTION 405.2B.5 TO PERMIT AN ACCESS TO CHESACO AVENUE (COLLECTOR STREET).
4. VARIANCE TO SECTION 405.2B.5 TO PERMIT A DISTANCE OF 175 FEET TO A CHURCH SITE IN LIEU OF THE REQUIRED 300 FEET.
5. VARIANCE TO SECTION 405.4A.1 TO PERMIT A TOTAL SITE AREA OF 21424 SF IN LIEU OF THE REQUIRED TOTAL SITE AREA OF 25164 S.F.
6. VARIANCE OF SECTION 235.2 TO PERMIT A REAR YARD OF 6 FEET IN LIEU OF THE REQUIRED 30 FEET AND TO AMEND A PREVIOUSLY GRANTED VARIANCE CASE # 84-45A.
7. VARIANCE TO SECTION 413.1 F TO PERMIT A SIGN WITH A TOTAL AREA OF 174 S.F. IN LIEU OF THE REQUIRED 100 SF.
8. VARIANCE TO SECTION 303.2 TO PERMIT A FRONT YARD DEPTH OF 44' FEET IN LIEU OF THE AVERAGE FRONT YARD DEPTH OF 50 FEET AND TO AMEND A PREVIOUSLY GRANTED VARIANCE CASE # 84-45A.



SECTION ALONG EXISTING WALL

SCALE 1" = 20' HORIZ.
1" = 20' VERT.



FOOD STORE SIGN
NOT TO SCALE



GEORGE WILLIAM STEPHENS, JR.
AND ASSOCIATES, INC.
CIVIL ENGINEERS & LAND SURVEYORS
658 KENILWORTH DRIVE, SUITE 100
TOWSON, MARYLAND 21204
(301) 825-8120



DEVELOPER
CLOVERLAND FARMS DAIRY INC.
2200 NORTH MONROE STREET
BALTIMORE MARYLAND 21217
(410) 665-2222

DATE	REVISION	BY
7.8.92	ADDED FENCE ALONG WALL & DUMPSTER - TRAFFIC FLOW	CKS
7.25.92	ADDED 3' FENCE ALONG WALL & HOUSE	CKS
7.28.92	REV. SITE STACKING SPACES (7.5 X 19')	CKS

SITE PLAN
ROYAL FARMS STORE
7950 PULASKI HIGHWAY
15th ELECTION DISTRICT
SCALE: 1" = 20'
BALTIMORE COUNTY MARYLAND
DATE: JUNE 3rd 1992

**PETITIONER'S
EXHIBIT 3**

LEGEND

SITE BOUNDARY LINE
EX. CURB & GUTTER
PROP CURB & GUTTER
PROP LIGHT

GENERAL NOTES

1. PUBLIC SEWER AND WATER ARE EXISTING. CONTRACTOR TO VERIFY LOCATION AND DEPTH.
2. CONTRACTOR TO VERIFY EXISTENCE OF ANY GAS LINES ON SITE CALL MISSUtility (800) 257-7777.
3. LANDSCAPE PLAN TO BE PROVIDED BY LANDSCAPE ARCHITECT
4. LIGHTING TO BE ERRECTED 60 AS NOT TO A. REFLECT INTO RESIDENTIAL AREA B. THEREFORE WITH TROUSERS C. EXCEEDED 15 IN HEIGHT
5. NEW VIBRY TO BE MINIMUM OF 5" BITUMINOUS CONCRETE SURFACE COURSE ON A 7 INCH CROWBUSH RIB BASE
6. CONCRETE TO BE 3000 PSI STRENGTH CONCRETE TYPING ON PROPOSED EXTERIOR WALLS.

SITE DATA

ZONE - BR-C8-1
 AREA - 0.42 AC.
 EXISTING USE - VACANT (FORMER BANK
 EXISTING BUILDING TO BE REMOVED
 PROPOSED USE - ROYAL FARM STORE AND TWO FUEL ISLANDS
 THREE (3) DISPENSERS CAPABLE OF SERVING
 SIX (6) CARS AT ONE TIME.
 TOTAL SERVICING SPACES - 6 WITH STACKING SPACES.
 TOTAL AREA REQUIRED - 65,450 SQ. FT.
 (USE 15,000 SF MIN.)
 COMBINATION USE - FOOD STORE SALES
 ROYAL FARM STORES
 ADDITIONAL SQUARE FOOTAGE FACTOR - $1 \times 2541 = 10164$ SF
 TOTAL AREA REQUIRED - 15000 + 10164 = 25164 SF
 TOTAL AREA TRACT - 0.97 AC. = 22691 SF
 PARKING REQUIRED - 1 SPACE FOR EVERY 200 FT OF
 FLOOR SPACE
 $2541 \div 200 = 13$ SPACES
 PARKING PROVIDED - 14 SPACES INCLUDING 1 HANDICAP
 TYPICAL SPACE - 5' X 18'
 HANDICAP - 12' X 18'

VICINITY MAP

SCALE 1"=500'

BENCH MARK NO. 16458 ELEVATION 53.738
DESCRIPTION
R.R. SPIKE IN PIPE IN GROUND - BACK OF CONC CURB
- S.E. SIDE OF PULASKI HWY - S.W. SIDE OF KESACO AVE

LONG MOUNTAIN, N.C. 1973

1. VARIANCE TO SECTION 408.2B TO PERMIT AN AUTOMATIC SIGNALING STATION.
 2. USE COMBINATION WITHIN SECTION 408.600 TO TRAVEL ALONG A CORRIDOR WITH A SIDEWALK.
 3. VARIANCE TO SECTION 408.2B TO PERMIT A SIGNAGE TO BE PLACED ALONG THE SIDE OF A ROADWAY.
 4. VARIANCE TO SECTION 408.2B TO PERMIT A DISTANCE OF ITS FEET TO A CHURCH SITE IN VIEW OF THE REQUIRED 300 FEET.
 5. VARIANCE TO SECTION 408.441 TO PERMIT A TOTAL SITE AREA OF 10,000 SF IN VIEW OF THE REQUIRED TOTAL SITE AREA OF 15,000 SF.
6. VARIANCE OF SECTION 409.2 TO PERMIT A REAR YARD OF 6 FEET IN VIEW OF THE REQUIRED 30 FEET AND TO AMEND A PREVIOUSLY GRANTED VARIANCE CASE # C-145A.
 7. VARIANCE TO SECTION 410.1 TO PERMIT A SIGN WITH A TOTAL AREA OF 104 SF IN VIEW OF THE REQUIRED 100 SF.
 8. VARIANCE TO SECTION 409.2 TO PERMIT A FRONT YARD DEPTH OF 44 FEET IN VIEW OF THE AVERAGE FRONT YARD DEPTH OF 50 FEET AND TO AMEND A PREVIOUSLY GRANTED VARIANCE CASE # C-145A.

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING

1. I certify that this Final Landscape Plan meets all requirements (check where appropriate):

☒ Baltimore County Landscaping Manual
☒ Office of Planning Planning Ord. No. 16-01
☒ Planning Department Planning Ord. No. 16-01
☒ Maryland Department of Transportation

2. I certify that I have reviewed this Final Landscape Plan, that I am aware of the regulations presented to the Baltimore County Landscaping Manual and I agree to comply with these regulations and all applicable zoning, subdivision and environmental laws. I agree to implement this plan and comply to Baltimore County's site implementation within two years of approval.

Owner's Signature _____ Date _____ Owner's Name (please print) _____
Address _____ City _____ State _____ Zip _____ Phone _____

51A CONTACT PERSON
PEGGY BLANK 333-1350

NO ORG, SPECIAL EXCEPTION - BR-CS-1

SITE PLAN

ROYAL FARMS STORE
7950 PULASKI HIGHWAY

15th ELECTION DISTRICT
SCALE: 1" = 30'







BALTIMORE COUNTY MARYLAND
DATE: JUNE 3rd 1993

BU 7020

PULASKI HIGHWAY (ALD RTE 42)

WEST BOUND LINE

PLANT LIST

KEY	QTY.	BOTANICAL NAME COMMON NAME	SIZE	CALCULATION	REMARKS
	1	ACER RUBRUM 'RED SUNSET' RED SUNSET MAPLE	2-2 1/2' CAL.	B & B	
	7	ZELKOVA SERATA 'GREEN VASE' GREEN VASE ZELKOVA	2-2 1/2' CAL.	B & B	
	8	CUPRESSOCYPARIS LEYLANDI LEYLANDI CYPRESS	5-6' HT	B & B	2-7' O.C.
	67	EUCALYPTUS ALATUS COMPACTA DWARF WINGED EUCALYPTUS	2-2 1/2' HT	B & B	42" O.C. TAGGERED
	56	JUNIPERUS SABINA BEADPOOR BEADPOOR JUNIPER	15-18' HT	CAN	3' O.C.
	7	VIBURNUM RHYTHOPHYLLUM LEATHER LEAF VIBURNUM	3-4' HT	B & B	42" O.C.

LANDSCAPE CALCULATIONS

PLANTING REQUIRED

1 PU / 40 LF ADJ. RD (320 LF + 40)	= 8.0
1 PU / 20 LF INT. RD (100 LF - 20)	= 5.0
1 PU / 12 PARKING SPACES (4 P.G. ÷ 12)	= 1.2
SCREEN PARKING FROM RD. CLASS B (320 LF - 15)	= 21.8
SCREEN FROM ADJ. RES. CLASS A (23 LF - 15)	= 15.0
SCREEN DUMPSTER CLASS A (30 LF - 15)	= 2.0

TOTAL PLANTING REQUIRED = 53 PLANT UNITS

TOTAL PLANTING PROVIDED = 53 PLANT UNITS

(8) MAJOR DEC. TREES = 8.0

()

GEORGE WILLIAM STEPHENS, JR.
AND ASSOCIATES, INC.

CIVIL ENGINEERS & LAND SURVEYORS

658 KENILWORTH DRIVE, SUITE 100
TOWSON, MARYLAND 21204
(301) 285-8100

DEVELOPER

CLOVERLAND FARMS DAIRY INC.
2200 NORTH MONROE STREET
BALTIMORE MARYLAND 21217
(410) 669-2222

[illegible]

SITE PLAN

ROYAL FARMS STORE

7950 PULASKI HIGHWAY

15th ELECTION DISTRICT
SCALE: 1" = 30'

BALTIMORE COUNTY MARYLAND
DATE: JUNE 3rd 1993